IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

OP.No. 26958 of 2002(H)

PETITIONERS:

---

1. REMA V.K., AGED 29 YEARS,
   D/O. MADHAVAN, VETTUKALLEL, CHINNAPARA,
   THALAYORAPPANKUDI TRIBAL COLONY, ADIMALI P.O.

2. V.K. MOHANAN, S/O. MADHAVAN,
   VETTUKALLEL, CHINNAPARA, THALAYORAPPANKUDI,
   TRIBAL COLONY, ADIMALI. P.O.

BY ADV. SRI.A.X.VARGHESE

RESPONDENTS:

---

1. STATE OF KERALA, REP. BY CHIEF
   SECRETARY, SECRTARIAT, THIRUVANANTHAPURAM.

2. SECRETARY, TRIBAL DEVELOPMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

3. DISTRICT COLLECTOR, IDUKKI.

4. CO-ORDINATOR, D.P.E.P.,
   THALAYORAPPAN TRIBAL COLONY, ADIMALI.

BY GOVERNMENT PLEADER SMT.SHAKEELA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON 18/12/2006 DELIVERED THE FOLLOWING:

OP.No. 26958 of 2002(H)

ORDER ON C.M.P.45858 OF 2992

in

O.P.26958 OF 2002

Dismissed

SD/-
KURIAN JOSEPH, JUDGE

18-12-2006.

OP.No. 26958 of 2002(H)

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: The photograph which give a clear picture of the life of the Tribal people.

Ext.P2: The photograph of the school room.

Ext.P3: The photocopy of the proceedings entered into the meeting held on 15-11-2001.

Ext.P4: The photocopy of the representation submitted by the 1st petitioner before the Chairman, Niyama Sabha, Sub Committee, dated 10-1-2001.

// True copy //

P.A. to Judge

KURIAN JOSEPH, J.

O.P.No.26958 of 2002

Dated 18th December, 2006.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "Issue a writ of mandamus directing the respondents to allow the first petitioner to carry on the work of Helper (Aaya) in Tribal School, Thalayorappan Tribal Colony, Adimali."
>
> (ii) Issue a writ of mandamus directing the respondents 1 and 2 to assign land and a house to the entire tribal people belonging to Thalayorappan Tribal Colony, Adimali as promised in Ext.P3 proceedings of the District Collector in the light of the Constitutional duty cast upon the respondents under Article 46 of the Constitution of India."

In the statement filed on behalf of the 4th respondent, it is stated that in case there is a qualified tribal candidate, the respondents are ready to engage him. As far as the rest of the grievances are concerned, it is seen that the District Collector has already taken action. In the above circumstances, the writ petition is disposed of making it clear that in case the petitioners have still any grievance left, they may approach the third respondent, in which case, appropriate action in accordance with law in the matter will be taken within another four months.

KURIAN JOSEPH, JUDGE.

tgs

KURIAN JOSEPH, J

O.P.No.26958 of 2002 (H)

J U D G M E N T

Dated 18th December, 2006.